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DIVORCE—ALIMONY—COUNSEL FEES.—*DYE v. DYE*, 125 N. Y. SUP., 242.—*Held*, that where a marriage was void *ab initio*, a wife who knew of the invalidity of the marriage, was not entitled to temporary alimony or counsel fees in a suit for divorce.

It is usual, upon application by the wife in a suit for divorce, for the court to make an allowance for temporary alimony or counsel fees during the pendency of the cause, if she is without separate funds, and the husband is able to support her, without any consideration of the merits of the case further than that it must be *prima facie* in favor of the wife. *Porter v. Porter*, 41 Miss., 116; *Miller v. Miller*, 75 N. C., 70. But the right to such alimony or counsel fees does not, of course, exist where a valid subsisting marriage relation never existed, and no allowance will be made for same where it appears that the wife knew of the invalidity at the time of the marriage. *Freeman v. Freeman*, 49 N. J. Eq., 102. If the validity of the marriage is questionable, counsel fees may be allowed to test the validity. *Mann v. Mann*, 75 N. Y., 614, cited and explained in *Collins v. Collins*, 80 N. Y., 7. It is enough to secure allowance if there is a fair probability that the wife will succeed in establishing the validity of the marriage. *Bowman v. Bowman*, 24 Ill. App., 165; *Brinkley v. Brinkley*, 50 N. Y., 184. And it has been held that a wife's mere denial under oath of the invalidity of the marriage will be sufficient to entitle her to the allowance. *Kline v. Kline*, 1 Phila., 383. But if it appears of record that the suit is without just or reasonable foundation, and that no decree of divorce will be made, no allowance can be made. *Collins v. Collins*, 71 N. Y., 269; *Burrow v. Burrow*, 74 Tenn., 499.

HUSBAND AND WIFE—PAYMENT OF HUSBAND'S DEBT BY WIFE.—*PARROTT v. SMITH*, 69 S. E., 552 (GA.).—*Held*, that where a stock of goods was sold to a husband under a contract of purchase, and the wife's money was used to discharge the husband's obligations for the purchase of the same, and the vendor knew that the money with which payment was made by the husband was the proceeds of a part of the separate estate of the wife, this was a payment of the husband's debt by the wife, although the sale was made for a cash consideration, and the delivery of the goods and the payment of the money therefor were concurrently made; and upon a suit therefor, the wife could recover from the vendor the amount thus paid.

The word "debt" includes any obligation that one is under to another to pay money or other thing of value, and arises the very moment the obligation is undertaken, and continues until discharged by payment. If any time elapses between the performance of the service and the payment of the money, a debt will arise. *Semble*, *City Council of Dawson v. Dawson Water Works*, 106 Ga., 696. The mere fact that the husband has the care and control of the wife's property, such use and control not being inconsistent with their common interests and their natural enjoyment thereof, will not subject it to his debts. *Primmer v. Clabaugh*, 78 Ill., 94; *Coon v. Rigden*, 4 Colo., 275. However, personal property of the wife, in the husband's possession, without notice of the wife's ownership,